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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/654,066 | 09/01/2000 | Claus Meder | 4175-0102P | 5955 |
| 2292 | 7590 | 11/14/2003 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | FUREMAN, JARED | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2876 | |

DATE MAILED: 11/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|------------------------------|--|
| Office Action Summary | Application No. 09/654,066 | Applicant(s) MEDER, CLAUS | |
| | Examiner Jared J. Fureman | Art Unit 2876 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-12 and 14-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-12 and 14-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Receipt is acknowledged of the amendment filed on 7/24/2003, which has been entered in the file. Claims 2-12 and 14-24 are pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8, 10, 15, 18, 19, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peschmann (US 5,367,552) in view of the admitted prior art and Bilich et al (US 5,877,483).

Peschmann teaches an X-ray examining apparatus (object detector 10 and object detection system 26) and method for controlling an X-ray examining apparatus, comprising: at least one radiation source (tube 46), at least one radiation detector (detector 50), a monitor (66) for displaying an X-ray image for an operator; and an operator unit, the operator unit comprising: an operating field (keyboard 68 and mouse 70) for being manipulated by the operator to operate the operating unit and thereby operate the X-ray examining apparatus and the monitor; wherein the X-ray examining apparatus inspects baggage (see figures 1-1, 1-2, column 1 lines 15-23, column 3 lines 25-58, column 4 line 66 - column 5 line 7, column 5 line 36 - column 6 line 9).

Peschmann fails to specifically teach the X-ray examining apparatus including an identification system.

The admitted prior art teaches an X-ray examining apparatus comprising: a monitor for displaying an X-ray image for an operator, an operator unit, the operator unit comprising: an operating field for being manipulated by the operator to operate the operating unit and thereby operate the X-ray examining apparatus and the monitor, and an identification system wherein the operator enters a digital code via the operator panel in order to identify the user (see page 1, lines 3-12, of the specification).

In view of the admitted prior art, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the apparatus as taught by Peschmann, the X-ray examining apparatus including an identification system, in order to identify an operator of the apparatus, thereby improving security.

Peschmann as modified by the admitted prior art fails to teach the identification system including an identification means for being carried by the operator and a counterpart device for being operatively coupled to the operating field, wherein the counterpart device is for activating the operating unit to a first mode of operation when the operator begins to operate the operating unit in at least partial response to information on the identification means read by the counterpart device, and for activating the operating unit to a second different mode of operation in at least partial response to information on the identification means read by the counterpart device when the operator stops operating the X-ray examining apparatus, wherein the counterpart device is a card reader and the identification means is a card, wherein the identification means is a contacting identification device, wherein the contacting device is a magnetic card, the counterpart device having a read mode by means of which the

identification device is read with installation and person-specific data, the counterpart device being integrated into the operating field, wherein the identification system detects a user-specific identification device within a predetermined area, such that upon detection of the user-specific identification device the operator unit is placed into the first mode of operation via the input, and upon non-detection of the user-specific identification device in the predetermined area, the operator unit is placed into the second mode of operation via the input, wherein the second mode of operation is a stand-by mode of operation, wherein the second mode of operation deactivates the X-ray examining apparatus.

Bilich et al teaches an apparatus and method including an identification system including an identification means (card 20) for being carried by an operator and a counterpart device (card reader 16) for being operatively coupled to an operating field (I/O devices 17), wherein the counterpart device is for activating an operating unit (PC 10) to a first mode of operation (power up and the operator logged in) when the operator begins to operate the operating unit in at least partial response to information (user identification and security code information) on the identification means read by the counterpart device, and for activating the operating unit to a second different mode of operation (powered down and the operator logged out) in at least partial response to information on the identification means read by the counterpart device when the operator stops operating the X-ray examining apparatus, wherein the counterpart device is a card reader (16) and the identification means is a card (20), wherein the identification means is a contacting identification device (in that the card 20 must be

inserted or swiped through the card reader 16), wherein the contacting device is a magnetic card, the counterpart device having a read mode by means of which the identification device is read with installation and person-specific data (the user's level of authorization, the user identification and security code information), the counterpart device being integrated into the operating field (see figure 1, wherein the card reader 16 is integrally coupled to the I/O 17), wherein the identification system detects a user-specific identification device (the card 20) within a predetermined area (the area of the card reader 16), such that upon detection of the user-specific identification device the operator unit is placed into the first mode of operation via the input, and upon non-detection of the user-specific identification device in the predetermined area, the operator unit is placed into the second mode of operation via the input, wherein the second mode of operation is a stand-by mode of operation, wherein the second mode of operation deactivates the apparatus (see figures 1-3, column 1 lines 15-35, column 2 lines 6-39, column 2 lines 55-59, column 3 lines 9-17, 32-56, column 4 line 47 - column 5 line 15, and column 5 lines 28-43).

In view of Bilich et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the apparatus as taught by Peschmann as modified by the admitted prior art, the identification system including an identification means for being carried by the operator and a counterpart device for being operatively coupled to the operating field, wherein the counterpart device is for activating the operating unit to a first mode of operation when the operator begins to operate the operating unit in at least partial response to information on the identification

means read by the counterpart device, and for activating the operating unit to a second different mode of operation in at least partial response to information on the identification means read by the counterpart device when the operator stops operating the X-ray examining apparatus, wherein the counterpart device is a card reader and the identification means is a card, wherein the identification means is a contacting identification device, wherein the contacting device is a magnetic card, the counterpart device having a read mode by means of which the identification device is read with installation and person-specific data, the counterpart device being integrated into the operating field, wherein the identification system detects a user-specific identification device within a predetermined area, such that upon detection of the user-specific identification device the operator unit is placed into the first mode of operation via the input, and upon non-detection of the user-specific identification device in the predetermined area, the operator unit is placed into the second mode of operation via the input, wherein the second mode of operation is a stand-by mode of operation, wherein the second mode of operation deactivates the X-ray examining apparatus, in order to provide greater security than the use of a password (see column 1 lines 15-35, column 2 lines 6-39, and 55-59 of Bilich et al).

3. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peschmann as modified by the admitted prior art and Bilich et al as applied to claim 15 above, and further in view of Davis et al (US 6,088,450, previously cited).

Peschmann as modified by the admitted prior art and Bilich et al fails to teach the card and card reader being structured such that the card reader can read the card with

the card remaining attached to the operator, the card can remain attached to the operator when the identification means is in a predetermined space so that the identification means is automatically moved form the predetermined space when the operator leaves the operating field.

Davis et al teaches an identification system including a card (token 120 which may be an identification badge) and card reader (within computer 110), the card and card reader being structured such that the card reader can read the card with the card remaining attached to the operator (the token is worn by the user), the card can remain attached to the operator when the identification means is in a predetermined space so that the identification means is automatically moved form the predetermined space when the operator leaves the operating field (see figure 1, column 2 lines 25-57, column 3 line 52 - column 4 line 28, column 5 lines 24-33, and column 6 line 10 - column 7 line 11).

In view of Davis et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the apparatus and method as taught by Peschmann as modified by the admitted prior art and Bilich et al, the card and card reader being structured such that the card reader can read the card with the card remaining attached to the operator, the card can remain attached to the operator when the identification means is in a predetermined space so that the identification means is automatically moved form the predetermined space when the operator leaves the operating field, in order to substantially eliminate the chance of mistakenly leaving the identification device when the user is finished operating the device.

4. Claims 5-7, 12, 16, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peschmann as modified by the admitted prior art and Bilich et al as applied to claims 15 and 18 above, and further in view of Xydis (US 6,070,240, previously cited) and Davis et al.

Peschmann as modified by the admitted prior art and Bilich et al fails to teach, the identification device being a transponder which works together with the counterpart device of the identification system without contact, the non-contact link between the identification device and the counterpart device being maintained within a local area proximate to the operating field, the operator unit being cleared by the identification device upon the operator unit entering the second different mode of operation upon the operator moving the identification means away from the predetermined space, the counterpart device activating the operating unit to the first mode of operation in at least partial response to the operator carrying the identification means moving the identification means within a predetermined space relative to the counterpart device at which the operator carrying the identification device can manipulate the operating field and for activating the operating unit to the second different mode of operation in at least partial response to the operator moving the identification means away from the predetermined space, wherein the identification means is for automatically activating the operating unit to the second different mode of operation in response to the operator moving the identification means away from the predetermined space, wherein the predetermined area defines an area extending beyond the identification system and encompasses at least the control unit.

Xydis teaches an identification system including the use of an identification device which operates without contact, the identification device being a transponder (22) which works together with a counterpart device (transceiver 20) of the identification system without contact, the non-contact link between the identification device and the counterpart device being maintained within a local area (the operating range of transceiver 20 and transponder 22) proximate to an operating field, an operator unit (computer 12, monitor 14, keyboard 16) being cleared by the identification device upon the operator unit entering the second different mode of operation upon the operator moving the identification means away from the predetermined space, the counterpart device activating the operating unit to the first mode of operation (wherein the computer grants access to the user) in at least partial response to the operator carrying the identification means moving the identification means within a predetermined space (the operating range of transceiver 20 and transponder 22) relative to the counterpart device at which the operator carrying the identification device can manipulate the operating field and for activating the operating unit to the second different mode (the computer is locked) of operation in at least partial response to the operator moving the identification means away from the predetermined space, wherein the identification means is for automatically activating the operating unit to the second different mode of operation in response to the operator moving the identification means away from the predetermined space, wherein the predetermined area defines an area (the operating range of transceiver 20 and transponder 22) extending beyond the identification system and encompasses at least the control unit (computer 12) (see figures 1, 2, column 1 lines

23-63, column 2 line 24 - column 3 line 25, column 3 lines 35-50, column 3 line 62 - column 4 line 17).

In view of Xydis' teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus and method, as taught by Peschmann as modified by the admitted prior art and Bilich et al, to include: the identification device being a transponder which works together with the counterpart device of the identification system without contact, the non-contact link between the identification device and the counterpart device being maintained within a local area proximate to the operating field, the operator unit being cleared by the identification device upon the operator unit entering the second different mode of operation upon the operator moving the identification means away from the predetermined space, the counterpart device activating the operating unit to the first mode of operation in at least partial response to the operator carrying the identification means moving the identification means within a predetermined space relative to the counterpart device at which the operator carrying the identification device can manipulate the operating field and for activating the operating unit to the second different mode of operation in at least partial response to the operator moving the identification means away from the predetermined space, wherein the identification means is for automatically activating the operating unit to the second different mode of operation in response to the operator moving the identification means away from the predetermined space, wherein the predetermined area defines an area extending beyond the identification system and encompasses at least the control unit, in order to provide automatic identification of the

operator without requiring the operator to swipe/insert a magnetic card, thus, creating a more efficient system.

Peschmann as modified by the admitted prior art, Bilich et al and Xydis fails to teach that the identification device can remain attached to the operator when the identification means is in the predetermined space whereby the identification means is automatically moved from the predetermined space when the operator leaves the operating field.

The teachings of Davis et al have been discussed above.

In view of Davis et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the apparatus and method as taught by Peschmann as modified by the admitted prior art, Bilich et al and Xydis, the identification device can remain attached to the operator when the identification means is in the predetermined space whereby the identification means is automatically moved from the predetermined space when the operator leaves the operating field, in order to substantially eliminate the chance of mistakenly leaving the identification device when the user is finished operating the device.

5. Claims 9, 11, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peschmann as modified by the admitted prior art and Bilich et al as applied to claims 8, 15, and 18 above, and further in view of Zanchi (US 5,814,798, previously cited).

Peschmann as modified by the admitted prior art and Bilich et al fails to teach a read mode by means of which the identification device is read from and the read data

being recorded in various X-ray apparatuses and is caused to be combined and stored centrally on the identification device, an individual instrument setting is accomplished by means of the identification device.

Zancho teaches an identification system including an identification device (105), wherein there is a read mode by means of which the identification device is read from and read data (preferences) is recorded in various apparatuses (101, 111, 121, 131, 141) and is caused to be combined and stored centrally on the identification device, an individual instrument setting (for example, display attributes) is accomplished by means of the identification device (see figures 1-5, column 2 lines 58-65, and column 3 lines 6-24).

In view of Zancho's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the apparatus and method as taught by Peschmann as modified by the admitted prior art and Bilich et al, a read mode by means of which the identification device is read from and the read data being recorded in various X-ray apparatuses and is caused to be combined and stored centrally on the identification device, an individual instrument setting is accomplished by means of the identification device, in order to automatically customize the apparatus to the individual operator, thus alleviating the need for the operator to manually customize the apparatus to their preferences.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peschmann as modified by the admitted prior art and Bilich et al in view of Schmitt (US 6,094,589, previously cited).

Peschmann as modified by the admitted prior art and Bilich et al have been discussed above.

Peschmann as modified by the admitted prior art and Bilich et al fails to specifically teach a live scanner being connected upstream from the identification device.

Schmitt teaches an X-ray examining apparatus (see figure 1) that includes a live scanner (detector 7, evaluation unit 8, and memory 10) connected to a control unit (5) (see figures 1, 2, column 1 lines 40-56, and column 2 lines 5-51).

In view of Schmitt's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the apparatus and method as taught by Peschmann as modified by the admitted prior art and Bilich et al, a live scanner being connected upstream from the identification device, in order to further ensure that the X-ray examining apparatus is only authorized by an authorized person (see column 1 lines 40-56, of Schmitt).

Response to Arguments

7. Applicant's arguments with respect to claims 2-12 and 14-24 have been considered but are moot in view of the new ground(s) of rejection. As discussed above, Peschmann an X-ray examining apparatus that inspects baggage.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Robinson (US 6,581,069 B1), Modica et al (US 2003/0023592

A1), and Husseiny et al (US 5,692,029) all teach X-ray examining apparatus and methods of operating X-ray examining apparatus.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (703) 305-0424. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

November 2, 2003

Jared J. Fureman
Jared J. Fureman
Art Unit 2876